# 12201 O'DONNELL ST.



# BUILDING AND STANDARDS BOARD AGENDA ITEM #8 FOR WEDNESDAY, APRIL 30, 2014

# ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

### MEMORANDUM MARCH 16, 2014

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 12201 O'Donnell Street, El Paso, Texas, 79934-2212

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on October 05, 2013. This single family mobile home was built in 1978, constructed on a metal chassis with wood framed walls and roof. The exterior walls finish consists of wood siding. The interior walls and ceilings finish consists in gypsum board. The structure was found accessible to vagrants and extensively damaged by fire which occurred on or about April 12, 2013. There are weeds, trash, and debris throughout the property.
- 2) A certified condemnation letter was mailed to Kendall Clarence & Heike M.
- 3) Certified notices of the public hearing scheduled for April 30, 2014 were mailed to the owners and all interested parties on April 15, 2014.
- 4) As of April 10, 2014, \$97.54 is owed in taxes.

The owner has been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the department recommends that it be found:

- 1) That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy remain revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the garage, accessory structure and the rear dwelling structure be demolished within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

### Code Compliance Division MARCH 3, 2014 NOTICE OF VIOLATION

KENDALL CLARENCE & HEIKE M 12201 ODONNELL ST EL PASO, TX 79934-2212

> Re: 12201 O'DONNELL ST Blk: 1 FUTURE LAND

Lot: 10 Zoned: R - F

Case Number ENHS14-00343 91 7199 9991 7030 7756 1718

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

#### 18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

#### **18.50.108.1.1 Unsafe Structures**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible

#### **18.50.108.1.2** Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

#### 18.50.108.1.3 Structure Unfit for Human Occupancy

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at 12201 O'DONNELL ST. EL PASO, TX 79934 is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- 1. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]

- o. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- p. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- q. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- r. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- s. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- t. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- u. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- v. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- w. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4.]
- x. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- y. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290 or 240-2273.

Alexandro Esparza Building Inspector

### **NOTICE OF PUBLIC HEARING**

#### To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

**LOCATION:** City Hall, City Council Chambers, 300 N. Campbell Street, 1<sup>st</sup> Floor, El Paso, Texas 79901

**DATE:** April 30, 2014

**TIME:** 5:30 p.m.

**PROPERTY:** 12201 O'Donnell St., El Paso, Texas also described as Lot 10, Block 1, FUTURE LAND UNIT ONE, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 1, Page 40, Plat Records of El Paso County, Texas.

The property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Clarence Kendall & Heike Monika Kendall, 12201 O'Donnell St., El Paso, Texas, 79934, are the owners, herein after referred to as the "Owners" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about October 5, 2013, an inspection of the property was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1]

- conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec.502.1, 502.2, 502.3, 502.4, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- 1. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage system. [Sec. 506.1, 506.2, 506.3]
- o. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- p. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]

- q. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- r. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1, 604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- s. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- t. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- u. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- v. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- w. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4.]
- x. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- y. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

The Owners are entitled to show cause that the Property is safe, does not constitute dangerous structures and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired, must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNERS AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO CONTENT
Wendi N. Vineyard	Ron Roth, C.B.O.
Assistant City Attorney	Deputy Building Official

true and correct copy of the foregoing Notice of	y Clerk of the City of El Paso, hereby certify that a of Public Hearing regarding the property located at ty Clerk's Office, the official public records of real
	Richarda Duffy Momsen
Executed this day of Texas, by Richarda Duffy Momsen in her capa	, 2014 on behalf of the City of El Paso, acity as City Clerk.
STATE OF TEXAS COUNTY OF EL PASO	
Subscribed and sworn to before me, this	day of, 2014.
	Notary Public

I, RICHARDA DUFFY MOMSEN, City Cleatrue and correct copy of the foregoing Notice regard <b>St.</b> was PUBLISHED in the official City newspaper 2014.	ding the property located at 12201 O'Donnell
	Richarda Duffy Momsen
I certify that a true and correct copy of the foregoin 12201 O'Donnell St. was MAILED CERTIFIED-F	
Clarence Kendall & Heike Monika Kendall 12201 O'Donnell St. El Paso, Texas 79934	
	Dotos
	Date:
	Inspector:
I certify that a true and correct copy of the foregoin 12201 O'Donnell St. was HAND-DELIVERED to	
City of El Paso	
C/O City Clerk	
300 N. Campbell	
El Paso, TX 79901	Dota
	Date:
	Inspector:
I certify that a true and correct copy of the foregoin  12201 O'Donnell St. was MAILED CERTIFIED-F	• • • • • • • •
Governor of the Ysleta Del Sur Pueblo Indian Tribe	
AKA Tigua Indian Community	
119 S. Old Pueblo Road	
El Paso, Texas 79907	Date
	Date: Time:
	Inspector:

I certify that a true and correct copy of the foregoing Notice regarding the property at **12201 O'Donnell St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District	
5801 Trowbridge Ave.	
El Paso, Texas 79925	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 12201 O'Donnell St. was MAILED CERTI	oregoing Notice regarding the property at FIED-RETURN RECEIPT REQUESTED to:
El Paso County Clerk, Probate Dept.	
500 E. San Antonio Avenue, Suite 105	
El Paso, Texas 79901	
	Date:
	Time:
	Inspector:
12201 O'Donnell St. was MAILED CERTI	FIED-RETURN RECEIPT REQUESTED to:
Delgado, Acosta, Spencer	
Linebarger, Heard & Perez, LLP	
Attn: Bonnie Cooper	
221 N. Kansas Suite 1400	
El Paso, TX 79901	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for <b>12201 O'Donnell St.</b> El Paso, Texas.	oregoing Notice was POSTED at
	Date:
	Time:
	Inspector:



## UNSAFE STRUCTURES REPORT

#### **CODE COMPLIANCE DIVISION**

**DATE OF EXAMINATION:** April 04, 2014 **REP. DISTRICT:** 4

ADDRESS: 12201 O'Donnell Street ZONED: R-F

**LEGAL DESCRIPTION:** Lot 10, Block 1, Future Land

OWNER: Kendall Clarence & Heike M. ADDRESS: 12201 O'Donnell Street

El Paso, TX 79934-2212

**BUILDING USE:** Abandoned, Fire Consumed, Single-Family Mobile Home

**TYPE OF CONSTRUCTION:** V, wood framing on metal chassis.

**FOOTINGS:** N/A **CONDITION:** N/A

**FOUNDATION WALL: N/A** 

**CONDITION:** N/A

**FLOOR STRUCTURE:** Metal framing system with wood composite sheathing.

**CONDITION:** Poor, fire damaged. A structural engineer should be hired to evaluate actual condition.

**EXTERIOR WALLS:** Wood framing with siding covering.

**HEIGHT**: 8' - 10' +/-**THICKNESS:** 4" +/-

**CONDITION:** Poor, fire damaged. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood framing w / gypsum board covering

**CONDITION:** Poor fire damaged. Interior walls and ceilings have been vandalized and are water damaged due to exposure to the elements. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**ROOF STRUCTURE:** Wood frame with metal roof covering.

**CONDITION:** Poor, fire damaged. A registered roofing contractor licensed in the state of Texas must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

**DOORS, WINDOWS, ETC.:** Wood frame doors and aluminum frame windows.

**CONDITION:** Poor, fire damaged. Several windows and doors are broken. Will need to replace or repair doors and windows, so they are operational and meet egress requirements.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows and doors must be replaced to make them operational.

**PLUMBING:** Fire damaged fixtures. A licensed plumber should be hired to bring system up to code.

**ELECTRICAL:** Fire damaged conductors and fixtures. A licensed electrician should be hired to bring system up to code.

**MECHANICAL:** Fire damaged equipment. A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes BARRICADED: No POLICE AID REQD.: No

**REMARKS:** This single family mobile home was built on or about 1978 and found fire damaged and abandoned and in a state of disrepair. The mobile home has been severely damaged by a fire that occurred on or about April 12, 2013 and poses potential danger to unauthorized occupants. The middle section of the mobile home has been totally consumed by the fire exposing the remaining structure to the elements. The structure should be demolished within thirty (30) days. The premises should cleaned of all weeds, trash and debris within thirty (30) days and be maintained clean of all weeds, trash and debris.

Alexandro Esparza

**Building Inspector** 

# TAX REPORT

